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PTO/SB/64 (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)  
**073600.P029**

First named inventor: Masaki Ueno

Application No.: 09/816,601

Art Unit: 1773

Filed: March 23, 2001

Examiner: Falasco, Louis V.

Title: Spin-Valve Type Magnetoresistance Sensor and Thin-Film Magnetic Head

Attention: Office of Petitions

**Mail Stop Petition**

P.O. Box 1450

Commissioner for Patents

Alexandria, VA 22313-1450

FAX: (703) 308-6916

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional

1. Petition fee

- ☐ Small entity-fee \$\_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status. 37 CFR 1.27.  
☒ Other than small entity-fee \$ 1,330 (37 CFR 1.17(m)).

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in  
the form of Amendment and Response (37 CFR 1.121) (identify type of reply):

- ☐ has been filed previously on \_\_\_\_\_.  
☒ is enclosed herewith.

B. The issue fee of \$ \_\_\_\_\_

- ☐ has been paid previously on \_\_\_\_\_.  
☐ is enclosed herewith.

The collection of information is required by 37 CFR 1.137. This information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application for to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you are require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Dept. of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$\_\_\_\_\_ for a small entity or \$\_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

10/6/03  
Date

  
Signature

Telephone  
Number: ( 650 ) 903-2264

Bradley J. Bereznak (Reg. No. 33,474)  
Typed or printed name

800 W. El Camino Real, Suite 180  
Address

Mountain View, CA 94040

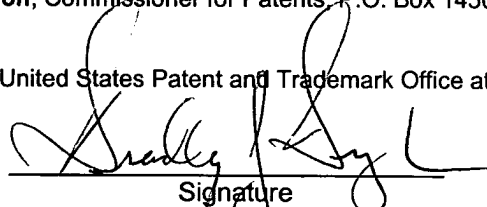
- Enclosures: ☒ Reply
- ☒ Fee Payment
- ☐ Terminal Disclaimer Form
- ☒ Additional sheets containing statements establishing unintentional delay.
- ☒ Other: Information Disclosure Statement; Form PTO-1449; Statement Regarding Unintentional Delay

**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

- ☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
- ☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

October 6, 2003  
Date

  
Signature

Bradley J. Bereznak  
Typed or printed name of person signing Certificate



Attorney Docket No. 073600.P029

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

**UENO, et al.**

Serial No.: 09/816,601

Filing Date: March 23, 2001

For: SPIN-VALVE TYPE  
MAGNETORESISTANCE SENSOR AND  
THIN-FILM MAGNETIC HEAD

Examiner: Falasco, Louis V.

Art Unit: 1773

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Statement Regarding Unintentional Delay**

Sir:

The undersigned hereby states that the entire delay regarding payment of the issue fee in the above referenced case until the filing of a grantable petition pursuant to 37 CFR 1.137(b), herewith, was unintentional. The reason for the delay is as follows.

Read-Rite Corporation (hereinafter Read-Rite), the assignee of the above-referenced application, began experiencing extreme financial difficulties at the beginning of 2003. Shortly after the mailing date (12/26/02) of the last Office Action, Read-Rite halted all patent-related expenditures due to inability to pay legal fees. On June 17, 2003 Read-Rite filed for bankruptcy in the U.S. Bankruptcy Court, Northern District of California (Case No. 03-43576-rn). Western Digital Corporation of Lake Forest, California was the successful bidder for the assets of Read-Rite in liquidation

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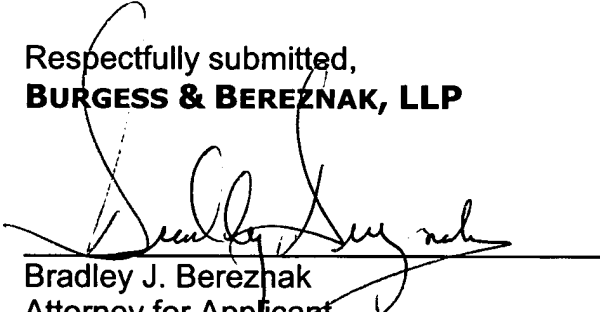
OFFICE OF PETITIONS

under Chapter 7 of the Bankruptcy Court. The Bankruptcy trustee's motion for an order confirming the sale of the assets to Western Digital was granted in late July 2003. The transaction, whereby Western Digital received title to the Read-Rite patent portfolio, including the above-referenced pending application, closed on or about July 31, 2003. In September 2003 the undersigned attorney of record received authorization from Western Digital to proceed with the present Petition for Revival under 37 CFR 1.137(b).

Please charge any shortages of fees or credit any overcharges of fees to our Deposit Account No. 50-2060.

Respectfully submitted,  
**BURGESS & BEREZNAK, LLP**

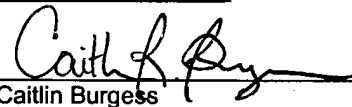
Dated: 10-6, 2003

  
Bradley J. Berezna  
Attorney for Applicant  
Registration No. 33,474

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

10-6-03

  
Caitlin Burgess

10-6-03  
Date